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June 2, 2023

The Honorable Paul A. Engelmayer, U.S.D.J.  
United States District Court  
Southern District of New York  
Thurgood Marshall  
40 Foley Square  
New York, NY 10007

**Re: Johnson v. Everyrealm, et al., Reasonable Remedial Measures**  
Civil Action No. 1:22-cv-06669(PAE)

Dear Judge Engelmayer,

I write pursuant to my duty of candor with the Court.

Defendants' Partial Motion to Dismiss is pending before the Court. This afternoon, Defendant Yorio and Defendant Everyrealm, via counsel, offered proof to Plaintiff's counsel for the first time that, among the many documents Mr. Johnson signed upon accepting a role at Everyrealm, one included an equity offer. Neither Mr. Johnson's Employment Offer Letter nor his Employment Agreement Letter mention an equity component in their detailed compensation breakdown sections, and during the pre-filing investigation that preceded this action no evidence of an equity compensation component was uncovered. Based on this, the Third Amended Complaint incorrectly alleged that Mr. Johnson was not offered equity. TAC ¶¶ 115, 118, 120, 121, and 122.

This newly uncovered fact does not contradict nor substantively change Mr. Johnson's allegation that he was paid less on account of his race. The precise amount that he was paid less on account of his race remains an issue of fact for the jury. Nevertheless, I believe it is my obligation to bring this newly discovered fact that contradicts what was previously put before the Court to Your Honor's attention.

Regards,

/s/ Shane Seppinni  
Shane Seppinni

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